

SENATE BILL 3416

By Marrero

AN ACT to amend Tennessee Code Annotated, Title 40,
relative to certain arrested persons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, 40-7-123, is amended by deleting the section in its entirety and by substituting instead the following:

40-7-123.

(a) The Tennessee peace officer standards and training commission shall develop a standardized written procedure for verifying the citizenship status of individuals who are arrested, booked, or confined for any period in a county or municipal jail or detention facility.

(b) When an individual is arrested, booked or confined for any period in the jail of the county or any municipality, the keeper of the jail shall utilize the above-referenced procedure to verify the citizenship status of each arrested, booked or otherwise confined individual.

(c) When any keeper of a jail receives a Form I-247 civil immigration detainer document from United States Immigration and Customs Enforcement (ICE) for any individual in jail custody, the keeper of the jail shall determine whether the individual meets the minimum federal statutory criteria to obtain reimbursement from the federal government under the State Criminal Alien Assistance Program (SCAAP), described in 8 U.S.C. § 1365.

(d) If the keeper of a jail determines that an individual does not meet reimbursement criteria described in subsection (c), but elects to honor the civil immigration detainer by maintaining custody of the individual at local taxpayer expense

after the individual is otherwise eligible for release, the keeper of the jail shall collect the following information and include it in a report submitted annually to the commissioner of safety:

- (1) The specific criminal offense for which the individual was charged and whether the individual was convicted;
- (2) The date and time the civil immigration detainer went into effect;
- (3) The length of time, in hours, the individual was held pursuant to the civil immigration detainer; and
- (4) The final disposition of the detained individual, specifically whether the individual was transferred to the custody of federal immigration authorities.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.